

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Judge Thomas J. Tucker

**CERTIFICATION OF NO RESPONSE OR OBJECTION REGARDING
CITY OF DETROIT’S MOTION TO ENFORCE ORDER, PURSUANT TO
SECTIONS 105, 501, AND 503 OF THE BANKRUPTCY CODE AND
BANKRUPTCY RULES 2002 AND 3003(c), ESTABLISHING BAR DATES
FOR FILING PROOFS OF CLAIM AND APPROVING FORM AND
MANNER OF NOTICE THEREOF AGAINST DANNY CROWELL,
LEOTA MURPHY AND JASMINE CROWELL**

On July 12, 2016, the City Of Detroit (“City”) filed its Motion to Enforce Order, Pursuant to Sections 105, 501, and 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), Establishing Bar Dates for Filing of Proofs of Claim and Approving Form and Manner of Notice Thereof Against Danny Crowell, Leota Murphy and Jasmine Crowell (“Motion”) [Doc. No. 11357]. The Motion was served via first class mail and email upon counsel for Danny Crowell, Leota Murphy and Jasmine Crowell on the same date. *See Certificate of Service Exhibit A.*

On July 27, 2016, Danny Crowell, Leota Murphy and Jasmine Crowell (“the Respondents”) filed an *ex parte* motion with the court, seeking permission to file a paper response to the City’s Motion (the “Ex Parte Motion”). The Court granted

the *Ex Parte* Motion to the extent that Respondents would be allowed to file a response in paper form with the Court, but also noted that the response attached to the *Ex Parte* Motion was deficient.

The *Ex Parte* Motion did not seek to extend the deadline to respond, and the Court's order granting it did not include an extension of the deadline. Thus, the Respondents had until July 29, 2016, to file a proper response with the Court. They failed to do so.¹

For these reasons, no timely and cognizable response to the City's Motion has been filed and the relief sought therein may be granted. The City respectfully requests that the Court enter an order in substantially the same form as the one which was attached to the Motion. *See Proposed Order* Exhibit B.

¹ Should the Respondents' attorney protest that he did not realize that his response was deficient, it would change nothing. An attorney is required to know the rules of procedure in a court in which he chooses to practice. *See, e.g., Portis v. Grand Trunk W. Ry. Co.*, 28 F.3d 1214, *4 (6th Cir. 1994) (table dec'n); *Cook v. United States (In re Earl Roggenbeck Farms, Inc.)*, 51 B.R. 913, 920 (E.D. Mich. 1985). If the Respondents are at all prejudiced by his actions, their relief now lies in an action against him, not the City.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

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- and -

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Attorneys for the City of Detroit

DATED: August 2, 2016

Exhibit A

EXHIBIT 4 – CERTIFICATE OF SERVICE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re: City of Detroit, Michigan, Debtor.	Bankruptcy Case No. 13-53846 Honorable Thomas J. Tucker Chapter 9
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 12, 2016, he served a copy of the foregoing ***CITY OF DETROIT'S MOTION TO ENFORCE ORDER, PURSUANT TO SECTIONS 105, 501, AND 503 OF THE BANKRUPTCY CODE AND BANKRUPTCY RULES 2002 AND 3003(c), ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM AND APPROVING FORM AND MANNER OF NOTICE THEREOF AGAINST DANNY CROWELL, LEOTA MURPHY AND JASMINE CROWELL*** upon the person listed below, and in the manner described below:

Counsel to Danny Crowell, Leota Murphy and Jasmine Crowell, via first class mail and email:

Joseph Dedvukaj
The Joseph Dedvukaj Firm PC
1277 W Square Lake Rd
Bloomfield Hills, MI 48302-0845
jdlawfirm@aol.com

DATED: July 12, 2016

By: /s/ Marc N. Swanson

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Exhibit B

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**ORDER GRANTING CITY OF DETROIT'S MOTION TO
ENFORCE ORDER, PURSUANT TO SECTIONS 105, 501, AND 503 OF
THE BANKRUPTCY CODE AND BANKRUPTCY RULES 2002 AND
3003(c), ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM
AND APPROVING FORM AND MANNER OF NOTICE THEREOF
AGAINST DANNY CROWELL, LEOTA MURPHY
AND JASMINE CROWELL**

This matter, having come before the Court on the Motion to Enforce Order, Pursuant to Sections 105, 501, and 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), Establishing Bar Dates for Filing of Proofs of Claim and Approving Form and Manner of Notice Thereof against Danny Crowell, Leota Murphy and Jasmine Crowell ("Motion")¹, upon proper notice and no response having been timely filed, the Court being fully advised in the premises, and there being good cause to grant the relief requested,

THE COURT ORDERS THAT:

1. The Motion is granted.
2. Within five days of the entry of this Order:

¹ Capitalized terms used but not otherwise defined in this Order have the meanings given to them in the Motion.

- (a) Danny Crowell will dismiss, or cause to be dismissed, the City of Detroit with prejudice from the case captioned as *Danny Crowell, Leota Murphy and Jasmine Crowell vs. City of Detroit and Raul Villanueva Perez, Defendants*, filed in the Wayne County Circuit Court and assigned Case No. 16-006433-NI.
- (b) Leota Murphy will dismiss, or cause to be dismissed, the City of Detroit with prejudice from the case captioned as *Danny Crowell, Leota Murphy and Jasmine Crowell vs. City of Detroit and Raul Villanueva Perez, Defendants*, filed in the Wayne County Circuit Court and assigned Case No. 16-006433-NI.
- (c) Jasmine Crowell will dismiss, or cause to be dismissed, the City of Detroit with prejudice from the case captioned as *Danny Crowell, Leota Murphy and Jasmine Crowell vs. City of Detroit and Raul Villanueva Perez, Defendants*, filed in the Wayne County Circuit Court and assigned Case No. 16-006433-NI.

3. Danny Crowell, Leota Murphy and Jasmine Crowell are permanently barred, estopped and enjoined from asserting the claims arising from or related to their state court action identified in paragraphs 2(a) – (c) above against the City of Detroit or property of the City of Detroit.

4. Danny Crowell, Leota Murphy and Jasmine Crowell are prohibited from sharing in any distribution in this bankruptcy case.

5. The Court retains jurisdiction over any and all matters arising from the interpretation or implementation of this Order.